

**UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

KIM COOK,	)	
	)	
Plaintiff	)	
	)	
v.	)	<b>Case No.:</b>
	)	
CHASE BANK,	)	<b>COMPLAINT AND DEMAND FOR</b>
	)	<b>JURY TRIAL</b>
Defendant	)	

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**COMPLAINT**

KIM COOK (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against CHASE BANK (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant 28 U.S.C. § 1331 which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the Commonwealth of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person residing in Philadelphia, Pennsylvania 19142.

6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a business entity with an address of: 200 Ottawa Avenue NW, Grand Rapids, Michigan 49503.

8. Defendant is a “person” as that term is defined by 47 U.S.C. §153(39).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

10. Plaintiff has a cellular telephone number that she has had for more than one year.

11. Plaintiff has only used this number as a cellular telephone number.

12. The phone number has been assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls.

13. Plaintiff never gave Defendant permission to call her cellular telephone.

14. Plaintiff never furnished Defendant with her cell number and never

1 authorized Defendant to call her.

2 15. Beginning in March 2015, Defendant repeatedly called Plaintiff on  
3 her cellular telephone.

4 16. Plaintiff knew it was Defendant calling because its number appeared  
5 on her caller id.  
6

7 17. When calling Plaintiff, Defendant used an automatic telephone  
8 dialing system and/or artificial or pre-recorded messages.

9 18. In March 2015, Plaintiff told Defendant to stop calling her.  
10

11 19. Although Defendant heard and acknowledged Plaintiff's request to  
12 stop calling her cellular telephone, the calls continued.

13 20. Defendant's calls were not made for emergency purposes.  
14

15 **DEFENDANT VIOLATED THE**  
16 **TELEPHONE CONSUMER PROTECTION ACT**

17 **COUNT I**

18 21. Plaintiff incorporates the forgoing paragraphs as though the same were  
19 set forth at length herein.  
20

21 22. Defendant initiated multiple telephone calls to Plaintiff's cellular  
22 telephone using an automatic or "predictive" dialing system.

23 23. The calls were made using an artificial or pre-recorded voice.  
24

25 24. Defendant's calls to Plaintiff were not made for emergency purposes.

1       25. Plaintiff never gave Defendant express prior consent to place  
2 automated or pre-recorded calls to her cellular telephone.

3       26. Defendant's acts as described above were done with malicious,  
4 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's  
5 rights under the law and with the purpose of harassing Plaintiff.  
6

7       27. The acts and/or omissions of Defendant were done unfairly,  
8 unlawfully, intentionally, deceptively and fraudulently and absent bona fide  
9 error, lawful right, legal defense, legal justification or legal excuse.  
10

11       28. As a result of the above violations of the TCPA, Plaintiff has suffered  
12 the losses and damages as set forth above entitling Plaintiff to an award of  
13 statutory, actual and trebles damages.  
14

15  
16                                   **PRAYER FOR RELIEF**

17       WHEREFORE, Plaintiff, KIM COOK, respectfully prays for a judgment as  
18 follows:  
19

- 20           a. All actual damages suffered pursuant to 47 U.S.C. §  
21           227(b)(3)(A);  
22           b. Statutory damages of \$500.00 per telephone call pursuant to 47  
23           U.S.C. § 227(b)(3)(B);  
24  
25

- 1 c. Treble damages of \$1,500.00 per telephone call pursuant to 47  
2 U.S.C. §227(b)(3);  
3 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);  
4 e. Any other relief deemed appropriate by this Honorable Court.  
5  
6

7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, KIM COOK, demands a jury trial in  
9 this case.  
10  
11

12 RESPECTFULLY SUBMITTED,

13 Date: 2/5/2016

14 By: /s/ Amy L. Bennecoff Ginsburg  
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